



City of Milwaukee

Meeting Minutes

ZONING CODE TECHNICAL COMMITTEE

200 E. Wells Street
Milwaukee, Wisconsin
53202

Teodros Medhin, Chair

Stuart Mukamal, Ed Richardson, Ronald Roberts

Staff Assistant, Linda Elmer, 286-2232, lelmer@milwaukee.gov; File Specialist Charlotte

Rodriguez, 286-8797, crodriguez@milwaukee.gov

Wednesday, May 16, 2007

2:00 PM

Room 101, City Hall

Meeting convened: 2:05 P.M.

Also present: Ald. Jim Bohl and Jeff Osterman - Legislative Reference Bureau

Present 3 - Medhin, Mukamal and Richardson

Excused 1 - Roberts

Roll call taken at 2:08 P.M.

Present 4 - Medhin, Mukamal, Richardson and Roberts

1. [070160](#)

An ordinance relating to required board of zoning appeals findings for the granting of special use permits.

Sponsors: Ald. Bohl, Ald. Murphy, Ald. Donovan, Ald. D'Amato, Ald. Hamilton, Ald. Puente, Ald. Dudzik, Ald. Bauman, Ald. Zielinski And Ald. Wade

This file was created by Ald. Bohl as a response to a Board of Zoning Appeals (BOZA) hearing in 2000 in which the Chair of BOZA stated that the Board cannot take concentration of the same businesses in its deliberations, as was done in the past. Mr. Richardson noted that the Board never considered concentration, but it considered "necessity of public convenience", which the Board removed as a consideration in 1998. Att. Mukamal believes this ordinance is not legal or enforceable because:

- 1. It is not the role of government to regulate competition.*
- 2. The term overconcentration is overly vague and beyond the police powers of the city.*
- 3. This ordinance could cause practical problems for BOZA as it would increase the number of special use permits.*

BOZA currently uses 4 criteria mandated by the Code of Ordinances when considering requests for special use permits.

Att. Mukamal suggested creating a list of 10 problematic uses, creating a legislative record that shows the need for spacing requirements for these uses and tying those spacing requirements to the 4 existing criteria that are currently considered by the Board in order to legally achieve the goal of the alderman.

Mr. Richardson noted that sometimes overconcentration can be a good thing, such as the bridal shops on Mitchell St. Att. Mukamal noted that "good" overconcentration vs. "bad" overconcentration could lead to equal protection problems. Ald. Bohl noted, however, that retail clothing stores are permitted uses, not special uses, so they wouldn't be going before the Board.

Ald. Bohl asked that Att. Mukamal look at the definition of overconcentration which pulls in 2 of the 4 current criteria used by BOZA.

The Committee found as to:

Legality and enforceability - significant difficulty upon a preliminary review.

Administrative efficiency - might result in fewer cases on the consent agenda, with more time needed for deliberations by BOZA and longer delays in scheduling due to the increased number of cases, but it also might result in fewer privileges applied for by the public

Consistency of format with the zoning code - no problem.

Att. Mukamal moved, seconded by Mr. Roberts, to forward the file to the Zoning, Neighborhoods and Development Committee with the above recommendations. There were no objections.

Meeting adjourned: 3:33 P.M.

*Linda M. Elmer
Staff Assistant*